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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,469	04/10/2007	Paul Auston	DUMMETT-052XX	4947

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BOURQUE & ASSOCIATES  
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SUITE 301  
MANCHESTER, NH 03104

EXAMINER
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BRADFORD, CANDACE L

ART UNIT	PAPER NUMBER
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3634

MAIL DATE	DELIVERY MODE
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10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,469	<b>Applicant(s)</b> AUSTON, PAUL	
	<b>Examiner</b> CANDACE L. BRADFORD	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/12/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/12/06, 11/13/06 and 6/13/08</u> .                           | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Clarifications***

1. Regarding 35 USC 112 paragraph 6. Examiner notes from Chapter 2100 of the current MPEP, section 2181:

*A claim limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph if it meets the following 3-prong analysis:*

- (A) the claim limitations must use the phrase “means for ” or “step for ”;*
- (B) the “means for ” or “step for ” must be modified by functional language; and*
- (C) the phrase “means for ” or “step for ” must not be modified by sufficient structure, material or acts for achieving the specified function.*

*With respect to the first prong of this analysis, a claim element that does not include the phrase “means for” or “step for” will not be considered to invoke 35 U.S.C. 112, sixth paragraph. If an applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant must either: (A) amend the claim to include the phrase “means for” or “step for” in accordance with these guidelines; or (B) show that even though the phrase “means for” or “step for” is not used, the claim limitation is written as a function to be performed and does not recite sufficient structure, material, or acts which would preclude application of 35 U.S.C. 112 , sixth paragraph.*

Since examiner cannot find clearly defined equivalents or definitions of “connecting means” in the specification, examiner is considering the claims to include any structure capable of performing the function.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference number 20a is not disclosed in the specification. Corrected

Art Unit: 3634

drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a lifeline trolley having a trolley body with a channel adapted to fit over a fixed lifeline 2, to allow the trolley to travel along the lifeline, means for connecting 20, a personal lifeline, column 5, lines 30-32, to the trolley body, and a brake which, when activated, brakes the trolley relative to a fixed lifeline on which it is travelling, wherein the brake is adapted to be activated by movement relative to the

Art Unit: 3634

trolley body of the personal lifeline connecting means, to brake the trolley relative to the fixed lifeline.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 1, wherein the trolley is adapted to run on a generally horizontal fixed lifeline, as best seen in Figure 2.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 1, wherein the connecting means comprises an elongate aperture through the trolley body, with a movable finger 42, traversing the aperture and engageable with a personal lifeline terminal fitting such that movement relative to the trolley of a personal lifeline terminal fitting engaged with the finger moves the finger in the aperture to activate the brake.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 3, wherein the brake comprises a cam 41, forming part of the movable finger and mounted for pivoting movement in the trolley body, such that pivoting movement of the movable finger causes part of the cam to project into the channel to engage the lifeline.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 4, wherein the cam 41, has two fingers, as best seen in Figure 3, both of which traverse the elongate aperture with a space between them to receive a personal lifeline terminal fitting so that movement of the terminal fitting in either direction causes the cam to rotate.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 4, wherein the cam 41, is symmetrical on either side of a plane which extends through the cam pivot mounting and normal to the axis of the channel, as best seen in Figure 3.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in Claim 5, including a karabiner 21, fitted in the aperture, with a limb of the karabiner located between the two fingers of the cam, as best seen in Figure 3.

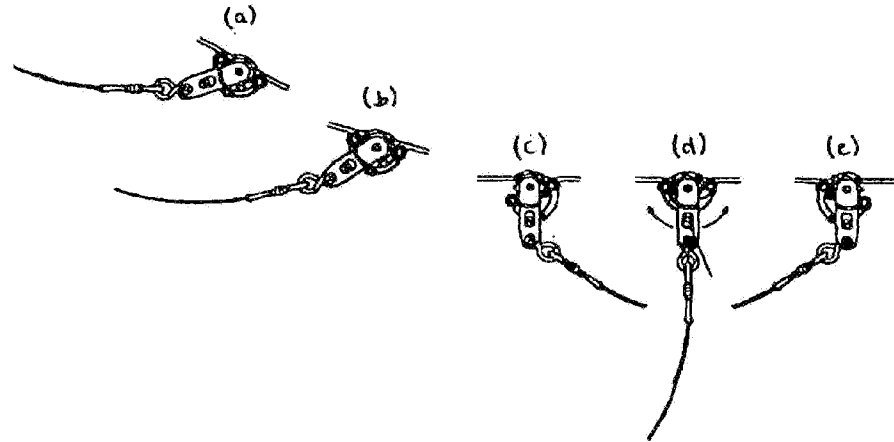
Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Argould (WO0152938). Argould discloses a trolley as claimed in claim 1, wherein the channel for accommodating the lifeline wire has an opening at one point around its circumference to allow the trolley to pass a lifeline support bracket, as best seen in Figure 6.

Claims 1,2, and 8 are is rejected under 35 U.S.C. 102(b) as being anticipated by EP 1030722, hereafter "Renton / Latchways".

Renton / Latchways teaches a lifeline trolley having a trolley body (105) with a channel adapted to fit over a fixed lifeline to allow the trolley to travel along the lifeline, means (110) for connecting a personal lifeline to the trolley body, and a brake (135) which, when activated, brakes the trolley relative to a fixed lifeline on which it is travelling, wherein the brake is adapted to be activated by movement relative to the trolley body of the personal lifeline connecting means, to brake the trolley relative to the fixed lifeline (see column 7, lines 26-47).

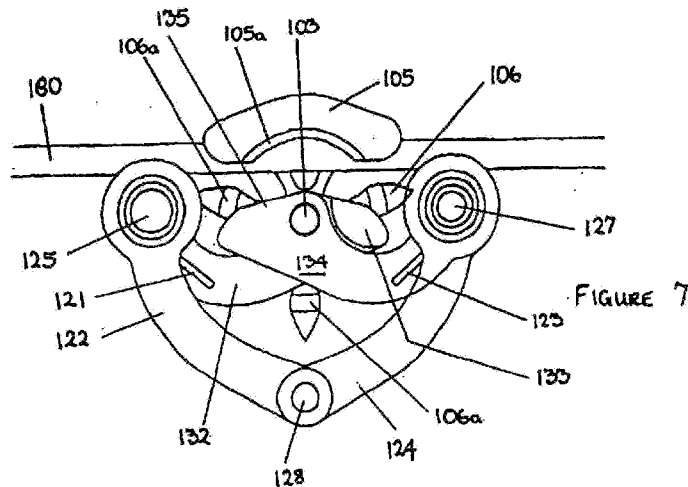
Art Unit: 3634

Regarding claim 2: Renton / Latchways teaches this in fig. 2c, 2d and 2e



(horizontal lifeline),

Regarding claim 8: Renton / Latchways teaches this in fig. 7.



### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

Art Unit: 3634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
Supervisory Patent Examiner, Art  
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Candace L. Bradford  
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September 21, 2008